

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE  
(CITY ZONING ORDINANCE), ARTICLE VIII, ENTITLED  
"AMENDMENT PROCEDURE" SECTION 24-200, THEREOF  
ENTITLED "DEFERRALS OF PENDING MAP AMENDMENT AND  
TEXT AMENDMENT APPLICATIONS" TO CHANGE  
THE TITLE OF SECTION 24-200 AND TO APPLY  
THE PROVISIONS OF THIS SECTION TO SCHEMATIC  
DEVELOPMENT PLAN, SKETCH PLAN AND CONCEPT  
PLAN APPROVALS BY THE CITY COUNCIL

TEXT AMENDMENT T-350

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland in public meeting assembled, that Chapter 24 of the City Code - (City Zoning Ordinance) Article VIII, § 24-200.12 amended to read as follows:

ARTICLE VIII. AMENDMENT PROCEDURE

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Sec. 24-200. Deferrals of pending map amendment [and], text amendment, schematic development plan, sketch plan and concept plan applications.

The processing, public hearing or decision of any pending local map amendment [or], text amendment, schematic development plan, sketch plan or concept plan for the CD Zone application or amendments to any of the previous described plans may, after recommendations are received from the [city planning department] Department of Planning and Code Administration, be postponed or deferred by resolution approved by [not less than four (4) members of ]the city council when, in the discretion of the city council, the pendency of any master plan amendment, transportation plan amendment, zoning and planning study, or capital improvement program or project or amendment thereto may substantially affect applications under consideration, and promote orderly zoning and planning within the city, as well as the efficient and economical processing of such applications. A pending local map amendment [or], text amendment, schematic development plan, sketch plan or concept plan application may be deferred until the earlier of either:

- (a) The final disposition by the city council of the pending master plan amendment, transportation plan amendment, zoning and planning study, or capital improvements program or project or amendment thereto; or
- (b) In the discretion of the city council, the elimination of any conflicts between the pending local map amendment [or], text amendment, schematic development plan, sketch plan or CD Zone concept plan application or amendments thereto and the pending master plan amendment, transportation plan amendment, zoning and planning study, or capital improvements program or project; or
- (c) Twelve (12) months from the effective date of the resolution postponing or deferring the application.

The terms "pendency" or "pending" shall , for the purposes of this section, mean:

- (i) *Master plan and transportation plan amendments* – From and after public release of a staff draft of the amendment until final action thereon by the city council.
- (ii) *Zoning and planning study* – From and after direction of the city council or the city planning commission to city staff to undertake such study until such time as the study is completed and released by city staff to the requesting agency and said agency has concluded its review, including further instructions to staff, if any.
- (iii) *Capital improvements program or project* – From and after publication of any proposed capital improvements program, project, or an amendment thereto until final action thereon by the city council.

Any cost of readvertisement for an application postponed or deferred by the city council under this section shall be borne by the city.

ADOPTED, this \_\_\_\_ day of \_\_\_\_\_, 2001, by the City Council of Gaithersburg, Maryland

\_\_\_\_\_  
SIDNEY A. KATZ, Mayor

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this \_\_\_\_ day of \_\_\_\_\_, 2001. Approved/Disapproved by the Mayor of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing emergency ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2001, and that the same was approved by the Mayor of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_\_, 2001. This Ordinance will become effective on the date of approval by the Mayor.

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DAVID B. HUMPTON, City Manager